



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 26 2010

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail #7009-2820-0002-1759-3036

**In Reply Refer to:**

EPA OCR File No. 07R-05-R9

Peter Evans  
Ujima Security Council  
1111 Beech St  
East Palo Alto, CA 94303

**Return Receipt Requested**

Certified Mail# 7009-2820-0002-1759-3043

Annie Loya, Higher Learning Coordinator  
Youth United for Community Action  
1848 Bay Road  
East Palo Alto, CA 94303

**Re: Dismissal of Administrative Complaint**

Dear Mr. Evans and Ms. Loya:

This is to notify the Youth United for Community Action (YUCA), and the Ujima Security Council that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is dismissing your administrative complaint received by OCR on June 20, 2005. The complaint was filed on behalf of residents of color in East Palo Alto, California. The complaint alleges that the California EPA Department of Toxic Substances Control (DTSC) violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.* and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7.

The complaint claimed that DTSC (1) improperly allowed Romic Environmental Technologies (Romic) to operate under its Hazardous Waste Facility Permit (Draft Permit); (2) took 11 years to complete the Draft Environmental Impact Report; (3) failed to provide meaningful notice and opportunity to comment on the Draft EIR by not translating it into Spanish; and (4) failed to notify residents about serious and numerous violations committed by Romic between 1999 and 2004 that potentially threatened the health and well-being of the community. You assert that these actions created an adverse impact on the nearby community of color.

closure plan.<sup>1</sup> The draft closure plan was reviewed by DTSC, US EPA, and the Regional Water Quality Control Board.<sup>2</sup> The agencies met and “discussed the most practical approach for the closure of Romic facility and agreed on a two phased approach: Phase 1: closure of all of the above ground hazardous waste management equipment and structures, to be led by DTSC; and Phase 2: site wide investigation of the subsurface contamination and cleanup to be led by EPA after closure activities of Phase 1 have been successfully completed.”<sup>3</sup>

On April 18, 2008, DTSC issued a “letter of technical completeness for the Draft Closure Plan dated April 7, 2008.”<sup>4</sup> Then, on April 29, 2008, DTSC “informed the public of the opening of a 45-day period to accept public comments on the Draft Closure Plan and proposed Negative Declaration; the latter document based on an Initial Study prepared in compliance with the California Environmental Quality Act (CEQA).”<sup>5</sup> The public comment period ended on June 16, 2008, and DTSC “prepared a Response to Comments (RTC) document for all public comments received.”<sup>6</sup> Finally, on August 27, 2008, DTSC issued a Notice of Approval.<sup>7</sup>

Additionally, EPA and DTSC will continue to work together to ensure that the facility is dismantled in an environmentally proactive manner, recycling or reusing as many parts of the facility as possible.<sup>8</sup> Specifically, “EPA is overseeing soil and groundwater cleanup, while the California U.S. Department of Toxic Substances Control (DTSC) will be addressing facility closure, requiring Romic to submit a closure plan for DTSC review addressing decontamination of equipment, safe demolition of structures, cleanup of any contamination under these structures, final disposal of wastes, and other matters.”<sup>9</sup>

## **Decision**

OCR has completed its review of the allegations in your complaint and the subsequent actions related to the Romic facility and has determined that your allegations are moot because the Romic facility is now closed and no longer operating. OCR has learned that in 2007, Romic management closed the facility. It ceased accepting waste as of August 3, 2007, and on August 30, 2007, DTSC announced that it signed a Stipulation and Order requiring Romic Environmental Technologies Corp. to close its East Palo Alto hazardous waste storage and treatment facility in accordance with a DTSC approved closure plan.<sup>10</sup> OCR has also learned that the closure will allow the 14-acre bay front facility to be cleaned up and returned to productive economic use.<sup>11</sup> For more information about EPA Region 9 and DTSC’s cleanup activities please go to <http://www.epa.gov/region09/waste/romic-eastpaloalto/index.html#cleanup> or

<sup>1</sup> California EPA, DTSC, News Release: California Department of Toxics Substances Control Orders Romic to Close and Clean Up East Palo Alto Plant, (Aug. 30, 2007), available at [http://www.dtsc.ca.gov/PressRoom/upload/News\\_2007\\_T\\_16\\_20071.pdf](http://www.dtsc.ca.gov/PressRoom/upload/News_2007_T_16_20071.pdf)

<sup>2</sup> [http://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=80001633](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=80001633)

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> <http://www.epa.gov/region09/waste/features/romic-eastpaloalto/romic-eng-fs.pdf>

<sup>8</sup> <http://www.epa.gov/region09/waste/romic-eastpaloalto/index.html#docs>

<sup>9</sup> Id.

<sup>10</sup> [http://www.dtsc.ca.gov/PressRoom/upload/News\\_2007\\_T\\_16\\_20071.pdf](http://www.dtsc.ca.gov/PressRoom/upload/News_2007_T_16_20071.pdf)

<sup>11</sup> Id.



treatment facility in accordance with a DTSC approved closure plan.<sup>10</sup> OCR has also learned that the closure will allow the 14-acre bay front facility to be cleaned up and returned to productive economic use.<sup>11</sup> For more information about EPA Region 9 and DTSC's cleanup activities please go to <http://www.epa.gov/region09/waste/romic-eastpaloalto/index.html#cleanup> or <http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm>.

While OCR has concluded that these allegations are moot, OCR would like to point out that communication with the public during the closure process for the Romic facility should include translation and interpretation as appropriate. Therefore, OCR is concurrently contacting DTSC to remind them about their Limited English Proficiency obligations regarding the closure of the Romic facility.

If you have any questions, please contact Helena Wooden-Aguilar, Acting Assistant Director of OCR's External Compliance Program by telephone at (202) 343-9681, by e-mail at [wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov), or by mail to U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham  
Director

Enclosure

cc: Maureen Gorsen, Director  
Cal/EPA Dept of Toxic Substances Control (DTSC)  
P.O. Box 806  
1001 I St.  
Sacramento, CA 95812

Stephen G. Pressman, Associate General Counsel  
Civil Rights & Finance Law Office (MC 2399A)

JoAnn Asami, Regional Counsel  
US EPA Region 9

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<sup>10</sup> [http://www.dtsc.ca.gov/PressRoom/upload/News\\_2007\\_T\\_16\\_20071.pdf](http://www.dtsc.ca.gov/PressRoom/upload/News_2007_T_16_20071.pdf)

<sup>11</sup> Id.